

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EMON V. HOLLINS,

Plaintiff,

v.

ORDER

ANTHONY MELI, LT. WALLER, C.O. OLIG,
C.O. SWINGEN, C.O. STANDISH, and JOHN DOE,

17-cv-757-jdp

Defendant.

Plaintiff Emon V. Hollins, appearing pro se, brings claims that defendant prison officials violated his Eighth Amendment right against cruel and unusual punishment by keeping him in an unsanitary cell smelling strongly of feces and urine. I previously granted Hollins leave to proceed on claims against defendant correctional officers Swingen, Olig, Standish, and Waller. Dkt. 8. Hollins also named Anthony Meli and John Doe as defendants, but he did not explain what role those two defendants played in disregarding his cell conditions. *Id.* at 4. I gave him a chance to amend his complaint to explain his claims against those defendants. *Id.*

Hollins has filed two amended complaints, Dkt. 18 and Dkt. 19, and a motion to rule on the second amended complaint. Dkt. 20. I will disregard the first amended complaint and consider the second amended complaint to be the operative pleading in the case.

Hollins has removed Meli from the caption, so I will dismiss him from the case. Hollins's allegations are virtually identical to those in his original complaint. But he no longer believes that defendant Swingen was the officer who initially placed him in the dirty cell, instead calling that defendant John Doe. He now alleges that the Doe defendant, along with previous defendants Swingen, Olig, Standish, and Waller, failed to adequately help him with the

problem. And he originally alleged that he spent about three weeks in the cell, but he now alleges that he spent 46 days in the cell.

I will grant Hollins leave to proceed on his new claims against the Doe defendant, while noting the amendment to his claims against Swingen and retaining all of his claims against Olig, Standish, and Waller. Because Hollins is bringing claims against a Doe defendant, I will set deadlines for the parties to use the discovery process to identify the Doe defendant and amend the caption with the proper identity.

ORDER

IT IS ORDERED that:

1. Plaintiff Emon V. Hollins's motion to screen his second amended complaint, Dkt. 20, is GRANTED.
2. Plaintiff is GRANTED leave to proceed on Eighth Amendment conditions-of-confinement claims against defendants Swingen, Olig, Standish, Waller and John Doe.
3. Plaintiff may have until October 15, 2018, to complete service of his discovery requests aimed at identify defendant Doe. Plaintiff may have until December 3, 2018 to submit a supplement to the complaint, naming the Doe defendant.
4. Defendant Meli is DISMISSED from the case.

Entered October 1, 2018.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge